APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,319	03/09/2000	Alando M Ballantyne	50-00-002	2463

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EXAMINER
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ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 01-30-02 .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-5,8-11 and 13-15* is/are rejected.

7) ☒ Claim(s) *6,7,12* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

This Office Action is the response to the communication received on Jan 30, 2002
Amendment under 37 CFR § 1.111. Reconsideration of the instant application is requested by
applicants. All such supporting documentation has been placed of record in the file.
Claims 1-15 are pending in this application. Corrections have been made to rejections to
reflect that prior art is being cited under 102(e).

Response to Arguments

1.

Regarding rejection of the claims 1-15 under 35 U.S.C. § 102(b):
Examiner has evaluated applicant's arguments of Jan 30, 2002 correspondence which has
been fully considered is not persuasive to overcome the previous rejection aforementioned, 35
35 U.S.C. § 102(b) with previous cited references Kelliher Therefore, 35 U.S.C. § 102(b)
rejection stands.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1-4 rejected under 35 U.S.C. 102(b) as being anticipated by Kelliher et al USPN
5,857,194 hereinafter Kelliher.

With Regards, to claim 1 Kelliher anticipates, a method for modeling a legacy computer system comprising: legacy computer system that outputs data; .[6:15-24, see out put generator], defining a control flow graph of the output incidents.[6:15-24, see control flow and out put generator].

Regarding claim 2 the method of Claim 1 further comprising:

identifying the value or type of the data fields associated with each output incident; and attaching the value or type to the control flow graph.[*Kelliher,see 2: 27-30*].

Regarding claim 3 the method of Claim 2 wherein identifying the value or type further comprises:

identifying output incidents of invariant data fields; and

[Kelliher 5:7-10, see fixed set of fields].

attaching the value of each invariant data field to its associated control flow graph incident.

[refer back to Kelliher, see 2: 27-30, for control low of key fields].

Regarding claim 4 method of Claim 2 wherein identifying the value or type further comprises:

identifying output incidents of variant data fields; and [*Kelliher,see 2: 39-45*].

attaching the type of each variant data field to its associated control flow graph incident.

[refer back to *Kelliher, see 2: 27-30, for control flow of key fields*].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5,8-11,13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelliher in view of Meltzer et al. USPN 6,125,391 as applied in claim 1, and 10 hereinafter Meltzer.

With regards to claim 5 Kelliher discloses all the claimed limitations as applied in claim1 as cited. Kelliher doesn't explicitly disclose plural nodes having associated arcs. However Meltzer discloses plural nodes having arcs in a legacy system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because," nodes establish interfaces for transactions in Networks" [Meltzer 2: 55-56] also refer to Kelliher 6: 45-50, and Claim 1g which suggests the motiviation to combine, "the use of a conventional communication (Network) system for data extraction."

With regards to claim 8 Kelliher discloses all the claimed limitations as applied in claim1 as cited. Kelliher doesn't explicitly disclose associating the incidents with an Extensible Markup Language schema and creating a specification to modify the legacy computer system applications to provide output in Extensible Markup Language format. However Meltzer disclose this feature. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because, because XML is a industry standard format, and is widely used with conventional communication systems such as the internet.

Regarding claim 9, per Claim 8 further discloses; automatically modifying the legacy computer system applications in accordance with the specification. [Kelliher, see claim 1g, predefined format in a conventional communication system, also see Meltzer for XML et seq].

With regards to claim 10,Kelliher discloses all the limitations a applied in claim 1. Kelliher doesn't explicitly disclose a modeling engine. However, Meltzer does disclose a similar apparatus.[fig 5, see Element generator and attribute Generator]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify, Kelliher with Meltzer to implement the instant claimed invention because, it is a general practice in the field to be able to interface between Architectures.

With regards to claim 11 Kelliher discloses all the claimed limitations as applied in claim1 as cited. Kelliher doesn't explicitly disclose plural nodes having associated arcs. However Meltzer discloses plural nodes having arcs in a legacy system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kelliher and Meltzer to achieve the cited limitation because," nodes establish interfaces for transactions in Networks" [Meltzer 2: 55-56] also refer to Kelliher 6: 45-50, which suggests the motiviation to combine, "the use of a conventional communication (Network) system for data extraction."

Regarding claim 13, the system of claim 10 wherein the control flow graph of the output operations comprises as a formal grammar that describes the flow paths from each start command to the associated stop commands. [Meltzer 31,26-35]

Regarding claim 14 the system of Claim 10 further comprising a graphical user interface in communication with the modeling engine, the graphical user interface operable to display the control flow graph formal incidents.
[Kelliher, 2: 1-5 for interface fields and refer back to Kelliher, see 2: 27-30,*for control flow of key fields*].

Regarding claim 15 the system of Claim 14 wherein the graphical user interface further communicates with a mapping engine and an Extensible Markup Language schema, the

mapping engine operable to map the incidents of the applications wth the control flow graph
formal grammar and the Extensible Markup Language schema.
[Meltzer 31,26-35]

        With regards to applicants argument that prior art does not teach Identifying incidents of
applications that outputs data. Examiner disagrees. Kelliher shows an output generator which
receives control flow information from the control flow analyzer for extracting data from the
legacy system. Examiner understands this feature to be capable of outputting data from an
incident in the legacy system as cited in applicants disclosure.

        With regards applicant's argument that prior art doesn't teach a modeling engine
interfaced with the legacy system and operable to analyze an application loaded on the legacy
system. Kelliher does and teach transmitting data from a legacy system to another system
Although Kelliher doesn't show a modeling engine, Meltzer discloses an event,element and
an attribute generator, in fig 5,and 6 which interfaces between architectures and also translates to
the new architecture and writes an outputs [fig 6].

<div align="center">CONCLUSION</div>

        This action is made Final Applicant is reminded of the extension of time policy as set
forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
MONTHS of the mailing date of this final action and the advisory action is not mailed until after
the end of the THREE MONTH shortened statutory period, then the shortened statutory period
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR
1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,
will the statutory period for reply expire later than SIX MONTHS from the mailing date of this
        final action. see MPEP § 706.07 (a).

Correspondence Information

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.
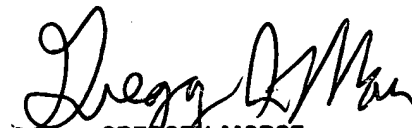
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse can be* reached at *(703) 308-4789.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is *(703) 305-3900.*

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

Chuck O. Kendall

Software Engineer Patent Examiner
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